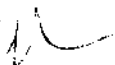


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601
914-390-4146

CHAMBERS OF
COLLEEN MCMAHON
DISTRICT JUDGE

TO ALL COUNSEL IN: Leighton v. Oberthur,
04 Civ. 2496 (CM)(LMS)

FROM: Judge McMahon 

RE: Scheduling

DATE: November 4, 2004

Counsel:

I regret to report that the criminal trial I began on October 18 is going to take far longer than originally anticipated. That will, in turn, push back the civil trial that is slotted in before your Markman hearing. The civil case is not going to settle. Which means, our originally scheduled date is beginning to look rather shaky.

Unfortunately, because of another criminal trial scheduled for December 13, I cannot just push you back a week. What I would like to do – because I can give you a date certain this way – is slot you in for December 20 and 21, when I know I will be free to pay you the complete attention you deserve. Then we can all disappear for the holidays.

I hope your plans will not preclude you from this date change. If they do, I am going to have to find two other days in December to get you in here, because my criminal calendar starting January 3 is extremely heavy. Those days may not be consecutive.

Please contact my administrative assistant, Dawn Bordes, and let her know about your availability on December 20-21.

CMcM

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